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09/652,793	08/31/2000	Michael L. Giniger	010079-004	2996

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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT PAPER NUMBER

2685

DATE MAILED: 01/05/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/652,793

**Applicant(s)**

GINIGER ET AL.

**Examiner**

Charles Chow

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,4,8-14,16-23 and 48-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,8-14,16-23 and 48-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**Office Action for  
Applicant's Amendment  
(5/14/2003 and 5/30/2003) 11/26/03**

1. Regarding applicant's amendment and argument based on applicant's earlier invention declaration under 37 C.F.R. 1.131 for earlier than 2/28/1996 of the filing date of cited reference used in the office action, Tendler (US 2002/0068,549 A1), the ground of rejection has been changed to replacing Tendler-'549 A1 with Orlen et al. (US 5,579,535).  
  
Orlen et al. ("Orlen") teaches the means for sending present position information and the selection signal over a bi-directional wireless link, and means for receiving position related information (the transceiver stations is capable of receiving data based information from portable radiotelephone in abstract; the data based comprising relative locations of transceiver stations and position related information in col. 1, lines 56-60), over wireless personal communication link of the DECT, CT2 (col. 2, lines 44-64).  
  
Orlen teaches the position reporting enabling unit configured to selectively enable and disable the transmission of position information while mobile communication device is operational (the positional related information in Fig. 3; the selective enabling keypad 642, 624-640 for requesting positional related information for shopping, movie, local attractions, restaurant, medical services, churches, entertainment in Fig. 7, col. 9, lines 3-47).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. (US 5,025,261) in view of Orlen et al. (US 5,579,535).

Regarding **claim 3**, Ohta discloses a mobile communication device (vehicle 10, Fig. 1, Fig. 2a, abstract) for communication with a server (key station 20, Fig. 1, Fig. 2b, abstract) over communication network (network and system in Fig.1; the 800-900 MHz in col. 5, lines 37-39; the vehicle 10 comprises the radio transceiver 105 and 105 could be portable telephone, MCA personal transceiver, col. 4, lines 18-26). Ohta discloses the mobile object determines the current position, transmits position data to key station, and receiving database retrieved map data information from key station (abstract).

Ohta discloses the receiver configured to receive position signals (GPS receiver 102, Fig. 2a). Ohta discloses the processor coupled to said receiver (Fig. 2a, it shows the coupled signal-composition-circuit 107, image processing unit 110, the comparator 108, and the identification signal generator 103, the GPS receiver 102 coupled to 104, 109) for responding to the position signals to determine position information indicative of a present position of the mobile communication device (abstract, and details in col. 9, lines 19-37).

Ohta discloses a modulator/demodulator (signal composition circuit 104/signal separation circuit 107, Fig. 2a) configured to transmit the position information signal to server (key station) over the communication network (as shown above) to receive position related

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information from the server (as shown above), wherein the position related information (map data) is a function of the position information.

Ohta does not clearly teach the input device and the operator selection, the means for sending present position information and the selection signal over a bi-directional wireless link, and means for receiving position related information.

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Orlen teaches the means for sending present position information and the selection signal over a bi-directional wireless link, and means for receiving position related information (the transceiver stations is capable of receiving data based information from portable radiotelephone in abstract; the data based comprising relative locations of transceiver stations and position related information in col. 1, lines 56-60), over wireless personal communication link of the DECT, CT2 (col. 2, lines 44-64).

Orlen teaches the position reporting enabling unit configured to selectively enable and disable the transmission of position information while mobile communication device is operational (the positional related information in Fig. 3; the selective enabling keypad 642, 624-640 for requesting positional related information for shopping, movie, local attractions, restaurant, medical services, churches, entertainment in Fig. 7, col. 9, lines 3-47). Orlen teaches an improved efficient technique for sending user interested positional related information upon request. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ohta above, and to include Orlen's sending positional information to user, such that the user interested information can be efficiently provided by the service provider.

Regarding **claim 4**, Orlen has taught above in Fig. 7, the plurality of point-of-interest POIs (abstract).

Regarding **claim 8**, Orlen teaches in Fig. 7, 602 for the alphanumeric keypad input entry device.

3. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of

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Orlen, as applied to claim 3 above, and further in view of Khamis et al. (US 5,930,729).

Ohta and Orlen do not clearly teach the DTMF.

Regarding **claim 9**, Khamis teaches a dual tone multiple frequency DTMF generator 161 (Fig. 4B) responsive to the alphanumeric entry to supply a DTMF selection signal to said modulator/demodulator (mixer 155, the demodulator mixer amp 182, in Fig. 4B). It would be obvious to include Khamis's DTMF conversion for the cellular phone, to Ohta's above, such that Ohta's system could be upgraded by efficiently using the available DTMF for encoding/decoding the alphanumeric input. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ohta above, and to include Khamis' DTMF generator for encoding/decoding, such that the system could be upgraded for encoding/decoding the alphanumeric input. Regarding the amended portion for means for sending, referring to Orlen above.

Regarding **claims 10, 11**, Khamis teaches the microphone coupled to the modulator (Fig. 8) for transmitting audio signal to the server, and the microphone input. Regarding the amended portion in claim 10, Orlen above, for the means for sending, and the bi-directional wireless link.

4. Claims 12-14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Orlen, as applied to claim 3 above, and further in view of Morimura et al. (US 5,438,695).

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Ohta and Orlen do not teach the microphone isolation circuit.

Regarding **claim 12**, Morimura teaches the microphone isolation circuit configured to disconnect an output of said microphone from said mod./demod. during reception (the cellular telephone used in the transceiver on/off operation having the microphone switch 16, ear receiver switch 15, for controlling (Fig. 3, steps 155, 157) the audio from microphone 18, to ear receiver 17 (speaker), to avoid the disruption to the ongoing voice conversation during the battery change. It would be obvious to include Morimura's switch control for the microphone/ear speaker to the cellular communication device to Ohta system, such that Ohta's system would provide better voice transmission/receiving control, alike the regular push-to-talk device, the voice signal could avoid the interruption due to the transmission, receiving operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ohta above, and to include Morimura's switches 16/15 for controlling microphone/ear speaker, such that the voice signal could avoid the interruption due to the transmission, receiving operation.

Regarding the reception of the position related information, referring to claim 3 above.

Regarding the amended portion for means for sending, referring to Tendler above.

Regarding **claim 13**, Morimura teaches the speaker 17 for the audio output.

Regarding **claim 14**, Morimura teaches the speaker isolation circuit (switch 15 for ear receiver-speaker to isolate the speaker 17 from emanating).

Regarding **claim 16**, Ohta has taught above the modulator/demodulator, the wireless network, analog phone of 800-900 MHZ, MCA personal transceiver.



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5. Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Orlen, as applied to claim 3 above, and further in view of Delorme et al. (US 5,802,492).

Regarding **claim 17**, Delorme teaches the PDA of the digital wireless telephone (col. 12, lines 62-65). Delorme also teaches the input from the keyboard 110, col. 12, line 33; for the computer aided routing and positioning system, col. 12, lines 22-41; col. 12, line 60 to col. 13, line 4. The position related information, point-of-interest POI, displayed on screen is for user to select the POI in abstract, Fig. 1b-1D; col. 15, lines 61-67; col. 16, lines 26-30; col. 16, lines 44) using GPS system (col. 5, line 9; col. 12, line 37) for obtaining the current vehicle position (abstract). Beside, Delorme's input device could be the voice recognition system (col. 12, lines 57-60). Delorme's point-of-interest information for the current vehicle position could be the restaurants, hotel, cities, municipalities, airport, hospital, zoos, museums (col. 8, lines 13-21), and the computer could be portable laptop, or personal digital assistant PDA (col. 12, line 57 to col. 13, line 4).

Delorme also teaches the driver in the vehicle on the road for browse the position related information for restaurant in Seattle (col. 17, line 66 to col. 18, line 9). Delorme teaches the retrieved menu from system is displayed for user to select the POI using buttons (Fig. 1B-1D, col. 16, lines 24-44). The position related information is a function of the vehicle current position for a restaurant in Seattle. It would be obvious to include Delorme's input device to allow user to select the POI for the received menu, to Ohta, such that the system could be upgraded to allow user to select the desire point-of-interest based on the current vehicle location. Therefore, it would have been obvious to one of ordinary skill in the art at the time

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of invention to modify Ohta, and to include Delorme's input keypad/button and POI selection for the received menu, to Ohta as modified above, such that system could be upgraded to allow user to select the point-of-interest based on the current location.

Regarding **claim 17**, Delorme teaches the PDA of the digital wireless telephone (col. 12, lines 62-65 from Delorme).

Regarding **claim 18**, Delorme teaches the laptop computer (col. 12, lines 62-65).

Regarding **claims 19, 20, 21, 22**, Delorme teaches in col. 6, lines 10-19, the received point of interest information could be audio, text, image, video signal.

Regarding **claim 23**, Orlen teaches the emergency button "0" in Fig. 7.

6. Claims 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Orlen, and further in view of Emmons (US 5,703,598).

Regarding **claim 48** referring to examiner's comment in claim 3 for the associated receiver; the process; the modulator/demodulator, and the position report.

Regarding **claim 49**, Emmons teaches the enabling, disabling the position reporting, the position reporting enabling unit is an enable/disable switch (the timer 24 for controlling the switch circuit for enabling/disabling of the GPS receiver/transmitter for transmitting current location for the stolen vehicle or other property, abstract, front figure, col. 1, lines 4-10).

Emmons considers the GPS transmitter is disabled by timer, but may be enabled by a subsequent signal from the central station with for additional period of time (col. 1, lines 58-63). It would be obvious to include Emmons' timer for automatic controlling of the GPS

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receiver/transmitter, to Ohta, such that the system could be upgraded with the automatic timer control for enabling/disabling of the GPS receiver/transmitter with efficiency.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ohta above, and to include Emmons' timer 24/switch 22 for automatic controlling of the GPS receiver/transmitter, such that that the system could be upgraded with the automatic timer control for enabling/ disabling of the GPS receiver/transmitter with efficiency.

Regarding the amended portion, an enable/disable switch on the mobile comm. device, Orlen has taught above the enable/disable keypads 624-642 in Fig. 7.

Regarding **claim 50**, referring to examiner's comment in claim 7 for the periodically determining, the refresh interval.

Regarding **claim 51**, Emmons has taught above the position reporting could be also enabled by central station to reset, override the refresh interval, as shown above, the central station could enable the GPS receiver/transmitter by a subsequent signal for additional period of time, as a reset override interval (col. 1, lines 58-63).

Regarding **claim 52**, Emmons has taught the GPS receiver.

Regarding **claim 53**, referring to Orlen above for the based upon mobile user's input for selectively enables and disables the transmission of the position information.

7. Claims 54-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Orlen, as applied to claim 3 above, and further in view of Smith, Jr. et al. (US 5,774,827).

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Ohta and Orlen do not clearly teach the transmitting, receiving, the communication signal, from/to, user interface.

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Regarding **claim 54**, Smith teaches the portable device 12 (figure in cover page, abstract) transmitting its current position information, for obtaining the current traffic information at different location such that the user could choose, select, the system responded information 3 options (Fig. 2, the 35 minutes, 42 minutes, 25 minute) for selecting the commuter travel route path provided by the system. The user interface is shown in Fig. 2, item 16 for displaying the selection list of three different transit time information (Fig. 1-4, col. 2, lines 8-27; col. 2, line 55 to col. 3, line 9; col. 3, lines 36-48; col. 4, lines 33-37). Thus, it is obvious Smith teaches the transmitting, receiving, from the modulator/demodulator of the portable 12 with the user's selection of the commute time (35 min., 42 min. 25 min.) and user interface for displaying the received communication signals for the commuter route path (Fig. 3) to user via display 42. It would be obvious, if not inherent, to include Smith's user interface to select the commute time for transmitting, and receiving the commute route path displayed on the display 42, based on the position and current traffic information, to Ohta, such that the user could communicate with system via the user interface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ohta, and to include Smith's user interface to select the commute time for transmitting, and the receiving the commuter path route displayed on the display 42, based on the position and current traffic information, to Ohta as modified above, such that the user could communicate with system using the user interface.

Regarding **claim 55**, referring to Emmons' GPS receiver and receiver of the wireless cellular telephone.

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Regarding **claim 56**, referring to Emmons above for the receiver is a GPS receiver in [0023] and [0025].

Regarding **claim 57**, referring to Emmons above for the latitude, longitude coordinates.

8. Claims 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Orlen, as applied to claim 3 above, and further in view of Wang et al. (US 5,365,451)

Ohta and Orlen do not clearly teach the details of periodically update in the network.

Regarding **claim 58**, Wang et al. (also as Wang in below) teaches the processor periodically determines the position information from position signals received (abstract, Fig. 1-9) by said receiver (receiver in mobile 16, Fig. 2) and said modulator/demodulator periodically transmits the position information to the server (the mobile unit determine their current locations from GPS satellite, front figure, Fig. 1, abstract; the repetitively determine their current location in a regular schedule; the update location data maintain in the network, in abstract; col. 1, lines 9-12; col. 9, line 54 to col. 10, line 5). The comparing time stamp and transmit current location (Fig. 6, steps 102, 104, 79). It would be obvious to include Wang's repetitively updating and determining the current position and update the position information maintain in the network, such that the system could maintain the most updated position information for providing the efficient service. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ohta above, and to include Wang's determining current position, and update the position information maintain

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in the network, such that system could maintained the most updated position information for providing the efficient service.

Regarding **claim 59**, referring to examiner's comment in claim 58 above for the periodically update with a refresh interval using Wang's time stamp step 102, 104.

9. Claims 60-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta in view of Orlen, and further in view of Wang-'451.

Regarding **claim 60**, referring to Orlen above for the output means for providing the position related information to mobile user, from GPS engine 16.

Regarding **claim 61**, referring to Orlen above for the position reporting enabling unit from the buttons 36-44 configured to selectively dial predetermined number for transmitting positioning information while wireless cellular telephone 10 is operational in the handsfree cradle 20.

Regarding **claim 62**, referring to Orlen above for the input device, buttons 36-44, for receive selection signals, for sending selection signals.

Regarding **claims 63, 64**, referring to claim 18 above for the portable computer and the portable lap top computer.

Regarding **claim 65**, referring to claim 3 above for: the method of receiving position related information for requesting user interest information for movie theaters, CVS location, golf place; the supplying selection signal from one of the button 36-44; the sending present

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position information; the receiving over the bi-directional wireless link position related information is a function of the present position and selection signal.

Regarding **claim 66**, referring to claim 3 above for the receiving position signal, the processing the position signal from GPS engine.

Regarding **claim 67**, referring to Orlen for the receiving at wireless cellular telephone 10 of the position information from GPS receiver, GPS engine 16, for the present position information comprising position signal.

Regarding **claim 68**, referring to claims 3, 65 above for: the input button device; the means for sending selection signal; means for providing the position related information.

Regarding **claim 69**, referring to claims 3, 65 above for: the supplying a selection signal; the sending a selecting signal; the receiving over the bi-direction link.

Regarding **claim 70**, referring to claim 3, 63 above for the means for establishing bi-directional link; means for sending present position information of the mobile comm. device; the means for receiving position-related information for movie theater, CVS, golf place.

Regarding **claim 71**, referring to claims 3, 62, 70 above for claimed features.

Regarding **claim 72**, referring to claims 3, 55, 70 above for the claimed features.

Regarding **claim 73**, referring to claims 3, 56, 70 above for the GPS receiver.

Regarding **claim 74**, referring to claims 3, 60, 70 above of a receiver configured to receive position signals, having present information comprised the position signals.

Regarding **claim 75**, referring to claims 3 above for the input device, buttons 36-44; the indicative of the user selected topic; the means for sending the selection signal over bi-directional link; the position related information is function of the selection signal.



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Regarding **claim 76**, referring to claims 3, 13, 76 above for the plurality of topics of interest.

Regarding **claim 78**, referring to claims 3, 16, 70 above for the analog wireless telephone.

Regarding **claim 79**, referring to claims 3, 17, 70 above for the digital wireless telephone.

Regarding **claims 80, 81**, referring to claims 3, 18, 70 above for the laptop computing device, and portable computing device.

Regarding **claim 82**, referring to claims 3, 19, 70 for the position related information including of the audio signals.

Regarding **claim 83**, referring to claims 3, 20, 70 for the position related information including of the text signal.

Regarding **claim 84**, referring to claims 3, 21, 70 for the position related information including of the image signals

Regarding **claim 85**, referring to claims 3, 22, 70 for the position related information including of video signals.

Regarding **claim 86**, referring to claims 3, 23, 70 for the bi-directional wireless communications link an emergency response request destined for an emergency response system.

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 3-4, 8-14, 16-23, 48-86 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument based on applicant's earlier invention declaration under 37 C.F.R. 1.131 for earlier than 2/28/1996 of the filing date of cited reference used in the office

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action, Tendler (US 2002/0068,549 A1), the ground of rejection has been changed to replacing Tendler-'549 A1 with Orlen et al.

Orlen teaches the means for sending present position information and the selection signal over a bi-directional wireless link, and means for receiving position related information (the transceiver stations is capable of receiving data based information from portable radiotelephone in abstract; the data based comprising relative locations of transceiver stations and position related information in col. 1, lines 56-60), over wireless personal communication link of the DECT, CT2 (col. 2, lines 44-64).

Orlen teaches the position reporting enabling unit configured to selectively enable and disable the transmission of position information while mobile communication device is operational (the positional related information in Fig. 3; the selective enabling keypad 642, 624-640 for requesting positional related information for shopping, movie, local attractions, restaurant, medical services, churches, entertainment in Fig. 7, col. 9, lines 3-47).

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the Technology Center 2600 Customer Service Office  
whose telephone number is (703) 306-0377.

Charles Chow C.C.

December 29, 2003.



**QUOCHIEN B. VUONG**  
**PRIMARY EXAMINER**